

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1847.01
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	December 21, 2001
DATE OF REPORT:	January 18, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 7, 2002

COMPLAINT ISSUES:

Whether the MSD of Lawrence Township violated:

511 IAC 7-27-7(a) by failing to implement the student's November 8, 2001, individualized education program (IEP) as written, specifically:

- a. failing to provide weekly e-mail reports on the student's progress; and
- b. failing to provide accommodations.

511 IAC 7-27-7(b) and 511 IAC 7-17-72 by failing to ensure that based on the student's November 8, 2001, IEP the student's teacher of record (TOR):

- a. informed each of the student's teachers of his or her responsibilities for implementing the student's IEP;
- b. provided progress reports to the student's parent; and
- c. ensured that supplementary aides and services and program modifications were provided to the student in accordance with the student's IEP.

During the course of the investigation, an additional issue was identified, which is:

511 IAC 7-27-3(a)(3) by failing to include a general education teacher as a participant in the case conference committee (CCC) meeting convened on November 8, 2001.

FINDINGS OF FACT:

1. The student is sixteen years old, attends the eleventh grade, and has been determined eligible for special education due to an emotional disability.
2. The parent contends that she did not receive weekly progress reports from the school concerning the student's academic performance as specified in the student's November 8, 2001, IEP addendum. Although numerous accommodations are listed in the November 8th IEP addendum, the parent would like the investigation limited to this one accommodation. The student's IEP addendum dated November 8th has a starting date of November 8, 2001, and an ending date of July 27, 2002. Page two of the form entitled "Checklist of Educational Accommodations" specifies that a weekly progress note will be sent home to the parent. It is noted on the accommodation page that an e-mail indicating the student's progress will suffice. Page 3 of the form entitled "Checklist of Educational Accommodations" indicates that the parent will receive weekly e-mails regarding the student's progress at school for all classes. The director was

unable to provide documentation to verify that school personnel had sent a weekly progress note to the parent from November 8 through December 21, 2001, when the complaint was filed. The student's Digital/Audio instructor acknowledges that he did not send a weekly progress note to the parent because he was not aware he was required to do so until December 17, 2001. The instructor reports that he is currently sending weekly e-mails to the parent apprising her of the student's progress made at school. The parent confirms that school personnel have been complying with this requirement for the past several weeks.

3. The student's IEP dated May 25, 2001, reflects that the student participates in the general education environment for part of the instructional day. The student has two teachers. His TOR is his special education teacher and his Digital/Audio instructor is his general education teacher. According to page one of the November 8th IEP addendum, the general education teacher did not attend the November 8th CCC meeting. In addition, the parent contends that the student's TOR failed to inform the student's Digital/Audio instructor of his responsibility for implementing the student's November 8th IEP addendum. The Digital/Audio instructor acknowledges that he was not informed that the student's IEP had been amended until December 17, 2001. Although not informed of the IEP amendments timely, the instructor reports that he was already implementing many of the accommodations listed in the November 8th IEP addendum. The parent states that during the past several weeks, school personnel appear to be implementing the IEP and the IEP addendum as written.

CONCLUSIONS:

1. Finding of Fact #2 reflects that school personnel failed to provide the accommodation of sending the parent weekly e-mail reports to apprise the parent of the student's progress at school as specified in the November 8, 2001, IEP addendum. Therefore, a violation of 511 IAC 7-27-7(a) is found.
2. Findings of Fact #2 and #3 indicate that the school failed to ensure that the student's TOR informed the student's Digital/Audio instructor of his responsibilities for implementing the student's IEP, provided progress reports to the parent, and ensured that program modifications were provided to the student in accordance with the student's IEP. Therefore, violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.
3. Finding of Fact #3 reflects that although the student participates in the general education environment, no general education teacher attended the CCC meeting convened on November 8, 2001. Therefore, a violation of 511 IAC 7-27-3(a)(3).

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Lawrence Township shall:

1. Inservice all appropriate school personnel as to the requirements specified in 511 IAC 7-17-72, 511 IAC 7-27-3(a)(3), and 511 IAC 7-27-7(a) and (b). Submit documentation to the Division no later than February 28, 2002, that all inservice training has been completed. The documentation

shall include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

2. Submit a letter of assurance to the Division no later than February 28, 2002, that ensures a general education teacher will attend all CCC meetings when the student is or may be participating in the general education environment. The letter of assurance shall include a statement that ensures all IEPs developed for the student shall be implemented as written. The assurance statement shall be signed by the director and the student's TOR.

DATE REPORT COMPLETED: January 18, 2002